accession 23916

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1887.

No. 257.

BERNARD B. HANS, PLAINTIFF IN ERROR,

vs.

THE STATE OF LOUISIANA.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

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JUDD & DETWEILER, PRINTERS, WASHINGTON, FEBRUARY 6, 1888.

a UNITED STATES OF AMERICA:

Circuit Court of the United States, Fifth Circuit and Eastern District of Louisiana.

BERNARD B. HANS, Plaintiff in Error,
v.
THE STATE OF LOUISIANA, Defendant in Error. } No. 10820.

Rouse & Grant, attorneys for plaintiff in error; M. J. Cunningham, attorney general of the State of Louisiana, for defendant in error.

Transcript of the record for writ of error, returnable to the Supreme Court of the United States on the second Monday of October, A. D. 1885, at Washington, D. C.

1 *Petition. Filed* 31 *December*, 1884.

UNITED STATES OF AMERICA:

Circuit Court of the United States for the Fifth Judicial Circuit and Eastern District of Louisiana.

BERNARD B. HANS
v.
THE STATE OF LOUISIANA. } No. 10820.

To the honorable the judges of the circuit court of the United States for the fifth circuit and eastern district of Louisiana:

The petition of Bernard B. Hans, a citizen of the State of Louisiana, respectfully represents that the State of Louisiana is indebted to him in the sum of ($87,500) eighty-seven thousand five hundred dollars, with legal interest thereon from the first day of January, 1880, for this, to wit:

Your petitioner is the holder and owner of two thousand coupons, each for the sum of ($35.00) thirty-five dollars, payable to the bearer thereof, which coupons were severally annexed to certain bonds for one thousand dollars each, issued by said State of
2 Louisiana under the provisions of an act of the Legislature of said State, approved January 24th, 1874, and he is also the holder and owner of one thousand coupons, each for the sum of ($17.50) seventeen and $\frac{50}{100}$ dollars, also payable to bearer, and which were severally annexed to certain bonds for five hundred dollars each, issued by said State under the provisions of said act, which bonds are known and designated as "Consolidated bonds of the State of Louisiana," and which coupons represent the interest accrued upon said bonds to which they were as aforesaid annexed for the last six months of the year 1879, and which was payable January 1st and exigible January 4th, 1880.

Your petitioner avers that by the issue of said bonds and coupons said State contracted with and agreed to pay the bearer thereof

the principal sum of said bonds forty years from the date thereof, to wit, the first day of January, 1874, and to pay the interest thereon represented by coupons as aforesaid, including the coupons held by your petitioner, semi-annually upon the maturity of
3 said coupons; and said Legislature, by an act approved January 24th, 1874, proposed an amendment to the constitution of said State, which was afterwards duly adopted, and is as follows, to wit:

"No. 1 The issue of consolidated bonds, authorized by the General Assembly of the State at its regular session in the year 1874, is hereby declared to create a valid contract between the State and each and every holder of said bonds, which the State shall by no no means and in nowise impair. The said bonds shall be a valid obligation of the State in favor of any holder thereof, and no court shall enjoin the payment of the principal or interest thereof or the levy and collection of the tax therefor. To secure such levy, collection, and payment the judicial power shall be exercised when necessary. The tax required for the payment of the principal and interest of said bonds shall be assessed and collected each and every year until said bonds shall be paid, principal and interest, and the proceeds shall be paid by the treasurer of the State
4 to the holders of said bonds as the principal and interest shall fall due, and no further legislation or appropriation shall be requisite for the said assessment and collection and for such payment from the treasury."

And petitioner further avers that, notwithstanding said solemn compact with the holders of said bonds, said State hath refused and still refuses to pay said coupons held by petitioner, and by its constitution, adopted in 1879, ordained as follows:

"That the coupon of said consolidated bonds falling due the first of January, 1880, be, and the same is hereby, remitted, and any interest taxes collected to meet said coupon are hereby transferred to defray the expenses of the State government;" and by article 257 of said constitution also prescribed that "The constitution of this State, adopted in 1868, and all amendments thereto, is declared to be superceded by this constitution;" and said State thereby undertook to repudiate her contract obligations aforesaid and to
5 prohibit her officers and agents executing the same, and said State claims that by said provisions of said constitution she is relieved from the obligation of her aforesaid contract and from the payment of said coupons held by petitioner, and so refuses payment thereof and had prohibited her officers and agents making such payment.

Petitioner also avers that taxes for the payment of the interest upon said bonds due January 1st, 1880, were levied, assessed, and collected, but said State unlawfully and wrongfully diverted the money so collected and appropriated the same to payment of the general expenses of the State, and has made no other provision for the payment of said interest.

Petitioner also avers that said provisions of said constitution are in contravention of said contract, and their adoption was an active

violation thereof, and that said State thereby sought to impair the validity thereof with your petitioner in violation of article 1, section 10, of the Constitution of the United States, and the effect so given to said State constitution does impair said contract.

Wherefore petitioner prays that the State of Louisiana be
6 cited to answer this demand, and that after due proceedings she be condemned to pay your petitioner said sum of ($87,500) eighty-seven thousand five hundred dollars, with legal interest from January 1st, 1880, until paid, and all costs of suit; and petitioner prays for general relief.

(Signed) ROUSE & GRANT,
Attorneys for Petitioner.

Citation to the State of Louisiana, through the Governor. Issued 31 *December*, 1884.

UNITED STATES OF AMERICA,
Eastern District of Louisiana:

Circuit Court of the United States, Fifth Circuit and Eastern District of Louisiana.

BERNARD B. HANS
v.
THE STATE OF LOUISIANA. } No. 10820.

The President of the United States of America to the State of Louisiana:

You are hereby summoned to comply with the demand contained in the petition, of which a copy accompanies this citation, or to deliver your answer to the same in the office of the clerk of the
7 circuit court of the United States, fifth circuit and eastern district of Louisiana, in the city of New Orleans, in ten days after the service hereof, which delay is increased one day for every ten miles your place of residence is distant from New Orleans, the place where the court is held.

Witness the Honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States of America, at the city of New Orleans, this 31st day of December, A. D. one thousand eight hundred and eighty-four, and of the Independence of the United States of America the 109th year.

Teste:

[SEAL.] (Signed) E. R. HUNT, *Clerk.*

Marshal's Return. Filed January 3, 1885.

Received January 2, 1885, by the U. S. marshal, and on the same day, month, and year I served a true copy of the within citation and accompanying petition on the State of Louisiana, defendant herein, by handing the same to his excellency, Samuel D. McEnery, Gov-

ernor of the State of Louisiana, and leaving them in his hands
8 in the city of Baton Rouge, La., 89 miles from New Orleans, La.

(Signed) J. R. G. PITKIN,
U. S. Marshal, Eastern District of Louisiana,
By W. W. JACKSON, *Deputy.*

Exception by Attorney General. Filed January 13, 1885.

U. S. Circuit Court, Fifth Circuit, Eastern District of La.

BERNARD B. HANS
v.
STATE OF LOUISIANA. } No. 10820.

Now comes defendant, by the attorney general, and excepts to plaintiff's suit on the ground that this court is without jurisdiction *ratione personæ*. Plaintiffs cannot sue the State without its permission; the constitution and laws do not give this honorable court jurisdiction of a suit against the State, and its jurisdiction is respectfully declined.

Wherefore respondent prays to be hence dismissed, with costs and for general relief.

(Signed) M. J. CUNNINGHAM,
Attorney General.

Judgment.

9 Circuit Court of the United States, Fifth Circuit and Eastern District of Louisiana. April Term, 1885.

NEW ORLEANS, FRIDAY, *May* 15, 1885.

Court met pursuant to adjournment.

Present: Hon. Edward C. Billings, district judge.

BERNARD B. HANS
v.
THE STATE OF LOUISIANA. } No. 10820.

This cause came on to be heard on the exception herein filed by the defendant, and was argued by counsel for the parties, respectively; on consideration whereof it is ordered, adjudged, and decreed that the exception be, and the same is hereby, maintained, and that the suit be dismissed at the costs of the plaintiff.

Judgment rendered May 15, 1885.

Judgment signed May 23, 1885.

(Signed) DON A. PARDEE, *Judge.*

Motion for Writ of Error. Entered and Filed 28 *May*, 1885.

10 In United States Circuit Court, Eastern District of Louisiana.

BERNARD B. HANS
v.
THE STATE OF LOUISIANA. } No. 10820.

On motion of Rouse & Grant, attorneys for the plaintiff in this case, suggesting that said plaintiff believes that there is error to his prejudice in the judgment of this honorable court herein rendered the 15th day of May and signed the 23rd day of May, 1885, and that he desires to remove the same to the Supreme Court of the United States for review, it is ordered that said plaintiff be, and he is hereby, granted a writ of error herein, returnable to said court on the first day of the next term thereof, upon his giving bond with surety in the sum of one hundred dollars and conditioned as the law directs.

(Signed) DON A. PARDEE, *Judge.*

Bond for Writ of Error. Filed May 30, 1885.

11 United States Circuit Court, Eastern District of Louisiana.

BERNARD B. HANS
v.
STATE OF LOUISIANA. } No. 10820.

Know all men by these presents that we, Bernard B. Hans, as principal, and Henry Stern, as surety, are held and firmly bound unto the State of Louisiana in the full sum of one hundred dollars, to be paid to the said State of Louisiana, her certain attorney or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 28th day of May, in the year of our Lord one thousand eight hundred and eighty-five.

Whereas lately, at a circuit court of the United States, fifth judicial circuit, holding sessions in and for the eastern district of Louisiana, in a suit depending in said circuit court wherein

12 Bernard B. Hans is plaintiff and the State of Louisiana is defendant, judgment was rendered against the said plaintiff and in favor of said defendant, and the said plaintiff having obtained a writ of error, and filed a copy thereof in the clerk's office of the said circuit court, to reverse the judgment in the aforesaid suit, and a citation directed to the said State of Louisiana citing and admonishing her to be and appear at the Supreme Court of the United States to be holden at Washington the second Monday of October next:

Now, the condition of the above obligation is such that if the said Bernard B. Hans shall prosecute his writ to effect and answer all

costs if he fail to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

(Signed) BERNARD B. HANS. [L. S.]
(Signed) HENRY STERN. [L. S.]

Sealed and delivered in the presence of—
(Signed) J. P. GOLDING.
(Signed) JOS. SEIDENBACH.

Bond accepted.
(Signed) DON A. PARDEE, *Judge.*

13 UNITED STATES OF AMERICA:

Circuit Court of the United States, Fifth Circuit and Eastern District of Louisiana.

CLERK'S OFFICE.

I, Edward R. Hunt, clerk of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, do hereby certify that the foregoing 12 pages contain and form a full, complete, true, and perfect transcript of the record and proceedings had, together with all the evidence adduced, on the trial of the case of Bernard B. Hans *v.* The State of Louisiana, No. 10820 of the docket of the said court.

Witness my hand and the seal of said court, at the city of New Orleans, this 24th day of July, A. D. 1885.

{ Seal of the U. S. Circuit Court for the 5th Circuit & Eastern District of La. }

E. R. HUNT, *Clerk.*

I, Don A. Pardee, United States judge for the eastern district of Louisiana, do certify that Edward R. Hunt, whose name is signed to the above certificate as clerk of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, was at the time of signing said certificate and is now the clerk of said court; that said certificate is in due form of law, and that full faith and credit are due to his official attestations as such clerk.

Given under my hand, at the city of New Orleans, in said district, this 24 day of July, A. D. 1885.

DON A. PARDEE, *Judge.*

14 UNITED STATES OF AMERICA, *ss:*

The President of the United States to the honorable the judges of the circuit court of the United States in and for the fifth circuit, and holding sessions for the eastern district of Louisiana, Greeting:

Because in the record and proceedings as also in the rendition of the judgment of a plea which is in the said circuit court, before you or some of you, between Bernard B. Hans, plaintiff, and The State of Louisiana, defendant, a manifest error hath happened, to the great damage of the said Bernard B. Hans, as by his complaint

appears, we, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the second Monday of October next, in the said Supreme Court to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Morrison R. Waite, Chief Justice of the said Supreme Court of the United States, this 30th day of May, in the year of our Lord one thousand eight hundred and eighty-five.

[Seal U. S. Circuit Court for the 5th Circuit & Eastern District of La.]

E. R. HUNT,
Clerk of the United States Circuit Court for the Eastern District of Louisiana.

15 [Endorsed:] United States circuit court. No. 10820. Writ of error. Bernard B. Hans *versus* The State of Louisiana. Filed 30 June, 1885. T. McC. Hyman, d'y clerk.

Copy of within writ deposited in the clerk's office for defendant in error June 30, 1885.

T. McC. HYMAN,
D'y Clerk.

16 *Reasons for Judgment.*

Circuit Court of the United States, Eastern District of Louisiana.

BERNARD B. HANS
v.
THE STATE OF LOUISIANA. } No. 10820.

Mr. J. D. Rouse and Mr. William Grant, attorneys for plaintiff; Mr. M. J. Cunningham, attorney general, for the defendant.

Before Judge Edward C. Billings:

In Louisiana *v.* Jumel, auditor, and Elliott *v.* Wiltz, treasurer of the State of Louisiana, and others, reported in 107 U. S. R., page 711, it was held by this court and subsequently declared by the Supreme Court that the suit was, in substance and effect, a suit against a State, and therefore that this Court had no jurisdiction to hear and determine the same.

This suit is brought upon obligations similar in all respects to those involved in the Elliott case—*i. e.*, issued under the same legislative and constitutional guaranties and impleaded and defied by the same constitutional ordinance. There the plaintiff was a citizen of the State of New York; here the plaintiff is a citizen of the State of Louisiana.

17 The greater includes the less. If the citizen of another State cannot sue *a fortiori*, a citizen of Louisiana cannot. The effect of the eleventh amendment of the Constitution was a construction by amendment of section 2, article III, of the Constitution, and so far as under that section it had been held that the judicial power included a suit between a State and citizens of another State, when the State was defendant, that construction had been reversed. So far as relates to the class of cases to which this case belongs, viz., where a State is sued by its own citizens, the Constitution had never included it, but had by implication excluded it.

The general clause that "the judicial power shall extend to all cases in law and equity arising under the Constitution of the United States" establishes the rule or boundary of jurisdiction so far as it depends upon the subject-matter of the suit, but was not meant to change or affect the capacity or liability of parties to be sued.

18 It therefore included all suits involving or arising under the Federal Constitution brought by parties competent to sue against parties capable of being sued. It included all suits of the requisite character against parties so situated or constituted that they could be sued, whether brought by individuals, or by the United States, or one of the States, or by a foreign government; but it had no effect to subject to the jurisdiction of the courts parties incapable to be sued. Indeed, it is to be observed that in the enumeration of the cases to which the judicial power extends, Cons., art. III, sec. 2, while there is specified the cases "between a State and citizens of another State, and between a State or the citizens thereof and foreign States, citizens, or subjects," there is no mention of cases between a State and its own citizens.

It is undoubtedly true that this enumeration of parties who could sue merely by virtue of their own character would not at all prevent the inclusion within the judicial power of other cases on account of the nature of the controversy; but where the jurisdiction is given merely by the character of the questions involved it

19 must be a suit in law or equity—that is, a demand prosecuted against a party defendant against its will who, according to its nature and relations to others, can be sued. According to the settled ideas relating to governments a State can no more be sued contrary to its continuing assent than can the dead. No matter what the nature of the controversy against the dead, human tribunals can take no cognizance of it; no more can they against a State against its will. The reason is that the weightiest public reasons prevent that control over the treasury and revenues of a State and the compulsory appropriation thereof to the extinction of its debts on the part of courts which the recovery of a judgment implies and necessitates. When the Constitution was adopted the effective enforcement of money judgments obtained in equity was by sequestration and in law by the imprisonment of the debtor, which, of course, would be inapplicable to indebted States; not more inconsistent with the functions of States, and, indeed, with their very existence as organisms for the protection of the lives and property and health of the citizens

20 and their advancement by education is any judicial control

over the property of the States by bringing them directly before the courts. Though they do not make war or peace, nor regulate foreign or domestic commerce, nor deal with foreign governments, nor with each other through treaties, they still must, as sovereigns, regulate the taxation of the citizens, and must apply the taxes when levied to the repelling of pestilence, to the maintenance of schools and of public order and the preservation of the rights of all its citizens in their persons and estates. Its taxes must be levied and its public lands disposed of by legislative will, for which a mandamus from the courts or a marshal's sale cannot be substituted. The payment of the debts of a State is left to be enforced by an enlightened public conscience, which at the time the Constitution was adopted was thought to be an ample power to prevent all repudiation. It is matter of regret that just creditors of a State should be disregarded or defied, but even that is better than that Gov-
21 ernment should be crippled and public good be possibly defeated or public necessities go unprovided for.

These are the reasons which were given by the publicists and jurists against a State being sued against its will, its continuing will, when the Constitution was submitted for adoption. These were the reasons given by Alexander Hamilton in the Federalist, No. 81, Washington edition of 1818, p. 508, when he says:

"It is inherent in the nature of sovereignty not to be amenable to the suit of an individual without its consent. This is the general sense and the general practice of mankind; and the exemption, as one of the attributes of sovereignty, is now enjoyed by the government of every State in the Union. * * * There is no color to pretend that the State governments would by the adoption of the plan of the convention be divested of the privilege of paying their debts in their own way, free from every constraint but that which flows from the obligations of good faith. The contracts be-
22 tween a nation and individuals are only binding on the conscience of the sovereign, and have no pretension to a compulsive force; they confer no right of action independent of the sovereign will. To what purpose would it be to authorize suits against States for the debts they owe? How could recoveries be enforced? It is evident it could not be done without waging war against the contracting State; and to ascribe to the Federal courts by mere implication and in destruction of a pre-existing right of the State governments a power which would involve such a consequence would be altogether forced and unwarrantable."

See also Mr. Madison, as reported in 2 Elliott's Debates, p. 390. He there says: "It is not in the power of individuals to call any State into court." Mr. Webster, in his letter to Baring Brothers & Co., Vol. VI, Everitt's Ed., at page 539, says: "The security for State loans is the plighted faith of the State as a political community. It rests on the same basis as other contracts with established governments, the same basis, for example, as loans made by the
23 United States under the authority of Congress—that is to say, the good faith of the government making the loan and its ability to fulfill its engagements.

"It has been said that the States cannot be sued on these bonds. But neither could the United States be sued, nor, as I suppose, the Crown of England. Nor would the power of suing give to the creditors, probably, any substantial additional security. The solemn obligation of a government arising on its own acknowledged bond would not be enhanced by a judgment rendered on such bond. If it either could not make provision for paying the bond, it is probable that it could not or would not make provision for satisfying the judgment."

When the Legislature of Massachusetts protested against the decision in Chisholm *v.* Georgia, it was against a State being sued by any one. This was the utterance of the conventions of New York and Rhode Island when they voted for the adoption of the Constitution. This was the meaning of the 11th amendment. It introduced no new provision, but corrected what the people of three-fourths of the States thought was an erroneous construction. The
24 reasons which prompted it and the arguments which secured it are equally strong against the citizen suing his own State and against his suing any other State. In both cases the inviolability springs from the inability of a court to deal directly with the treasury of a State.

In the cases of Cohens *v.* Virginia, 6 Wheaton R., 391, and of Ames *v.* Kansas, 101 U. S. R., p. 470, the court held that when a State instituted a suit it necessarily submitted itself to all reviews in and transfers to the Federal courts which the Constitution and laws establishing the court authorized—*i. e.*, that having voluntarily taken the position of suitor the State had necessitated the enforcement of all legally established rules by which the rights of parties litigant were ascertained and adjudged, and these cases hold nothing more. The contest there was as to what followed in the progress of a cause where the character of a suitor had been voluntarily assumed by a State to enforce a demand or a proceeding. The contest here is altogether different and is whether a State can
25 compulsorily be made a suitor.

In both these cases the learned Chief Justices expressly reserve the question as to the right to present a demand against a State even in a cause instituted by a State. They say, Chief Justice Marshall speaking originally and Chief Justice Waite speaking by quotation: "The argument would have great force to prove that this court could not establish the demand of a citizen upon his State, but is not entitled to the same force when urged that this court cannot inquire whether the Constitution and laws of the United States protect a citizen from a prosecution instituted against him by a State."

After an attentive consideration of the able arguments made and authorities cited by the counsel, my conclusion is, that while the act of 1875, so far as jurisdiction depends upon the nature of the litigation, makes the jurisdiction of the circuit court coextensive with the judicial power created by the Constitution, and therefore includes all suits in law or equity involving a Federal question; nev-
26 ertheless, that neither includes a suit against a State, for the

reason that it is incapable to be sued against its continuing assent; and whereas here the object of the suit is the recovery of money, courts would be without any means of enforcing the judgment without an assumption of those powers which the checks and balances and distribution of powers in all well constituted governments, especially in the constitutional governments of the United States, are unchangeably and forever legislative and not judicial.

The exception must be maintained and the suit dismissed.

CLERK'S OFFICE.

A true copy of the original, filed May 15th, 1885.
New Orleans, 24 July, 1885.

[Seal U. S. Circuit Court for the 5th Circuit & Eastern District of La.]

E. R. HUNT, *Clerk.*

27 THE UNITED STATES OF AMERICA:

Circuit Court of the United States, Eastern District of Louisiana.

The President of the United States to the State of Louisiana, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden at the city of Washington on the second Monday of October next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, wherein Bernard B. Hans is plaintiff and the State of Louisiana is defendant, to show cause, if any there be, why the judgment rendered against the said Bernard B. Hans, as in said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States, this 30th day of May, in the year of our Lord one thousand eight hundred and eighty-five.

[Seal of U. S. Circuit Court for the 5th Circuit, & Eastern District of La.]

DON A. PARDEE, *Judge.*

28 [Endorsed:] M. J. Cunningham, att'y general of Louisiana. United States circuit court, eastern district of Louisiana. No. 10820. Bernard B. Hans *vs.* State of Louisiana. Citation.

[Endorsed:] Supreme Court U. S. 1885, Oct. term. No. 896. Bernard B. Hans, pl'ff in error, *vs.* The State of Louisiana. Citation.

[Stamped:] Office Supreme Court U. S. Filed October 16, 1885. James H. McKenney, clerk.

Marshal's Return.

Rec'd, July 22, 1885, at the office of the U. S. marshal, and on the 25th day of September, 1885, I served a true duplicate of the within citation of appeal on the State of Louisiana, appellee herein, by serving the same on Hon. M. J. Cunningham, attorney general of the

State of Louisiana, in the following manner: by leaving the same at his, the said attorney general's, office, in the city of New Orleans, No. 36 Carondelet street, in the hands of James Morris, Esq., who informed me that he occupies the same office with the Hon. M. J. Cunningham, attorney general of the State of Louisiana, and is his law partner. It is also to my knowledge that the said attorney general has been absent from the State of Louisiana for more than two months past, and I am credibly informed that he will not return to the city of New Orleans or eastern district of Louisiana before the 5th of October, 1885. Returned same day.

R. B. PLEASANTS,
U. S. Marshal,
By DAN. A. ROSE,
D'y Marshal.

Dan. A. Rose, being duly sworn, doth depose and say that he is a lawful deputy of R. B. Pleasants, U. S. marshal E. D. of La., and that the return herein written of the service of a duplicate of the within citation of appeal is true and correct.

DAN. A. ROSE,
D'y Marshal.

Sworn to and subscribed before me this 25th Sept'r, A. D. 1885.
[Seal of U. S. Circuit Court, 5th Circuit, Eastern District of La.]
T. McC. HYMAN,
D'y Clerk.

Service of the within citation is hereby accepted.
New Orleans, Oct. 9th, 1885.
M. J. CUNNINGHAM,
Attorney General.

[Endorsed:] U. S. circuit court, eastern district of Louisiana. Filed Sept. 25, 1885. H. J. Carter, d'y cl'k.

Endorsed on cover: E. Louisiana C. C. U. S. No. 257. Bernard B. Hans, plaintiff in error, *vs.* The State of Louisiana. Filed July 27th, 1885.